

Exhibit No. 14Date 1-12-07Bill No. SB-80

Mr. Chairman and members of the committee:

2006 brought with it several ballot initiatives and legal challenges to those initiatives.

CI 97, CI 98, I 151 and I 154, all received challenges based on the clear lack of definition in 13-27-111, MCA.

Today, as you are looking at changes to 13-27-111, the most critical change is the definition of the "address". Of the more than 140,000 signatures that were thrown out by the Great Falls district court, none were invalid because of the highly publicized "bate and switch". All 9 of the individuals that testified that this had occurred to them, had their signatures removed and were never counted. And, even with extensive advertising and door to door contact, trying to find others that had this occur to them, none were found. The individual that perpetrated this despicable act had his supervisor take his signatures and did not turn them in. Those consisted of less than a hundred signatures as attested to in the supervisor's sworn affidavit. (Distribute affidavit around the committee)

The rest of the over 140,000 Montana voters had their signatures thrown out because of two issues. First, the lack of definition for the "address" of the signature gatherers, and secondly, the lack of definition of what the word "assisted" means in 13-27-302.

So, today as you consider the "official address" of the signature gatherer, let's make sure it is a standard that meets the needs of our judiciary, so that all involved have a clear direction in regards to this issue.

Typically, addresses change often in this day and age. In Montana, our older folks have winter and summer homes, even if that consists of visiting the grand kids in Arizona for several months in the winter. Or, the college population that spend the winter months on a college campus, and then the summer on fire fighting crews, road construction jobs, or working in one of our national parks, etc. The point is, the definition of "address" for any of these people, becomes a huge issue when they are being called a fraud because the

address on a signed affidavit for an initiative, that they spent a week gathering signatures for, no longer matches their past six month history of residency. Then an opposition political committee claims that this hard working college kid is a fraud because he or she no longer resides at room 304 in South Hedges on the campus of Montana State University. The importance of the "address", as defined in this bill, cannot be overstated. I would encourage this committee to consider the definition to be: the location that this individual can be contacted at through the final date of approval for the signatures gathered. This, at least historically, has been the end of July. I would encourage this committee to define this address as valid, if the "gatherer" can be contacted by certified mail.

The second issue is the word assisted, 13-27-302 MCA. This needs to be clearly defined or stricken, as it currently stands with the Great Falls district court decision and the affirmation of the state supreme court. The registered voter signing his name must be witnessed by the affidavit signer. This committee could choose to amend this bill to clearly define the definition of "assisted" to reflect the last 30 years of historic practice; clarifying "assisted" to mean: **"the person providing the opportunity for a registered Montana voter to sign, the petition"**. Or, this committee should strike the word "assisted" completely, so that tens of thousands of Montana voters will not again be disenfranchised by a process that is redefined by a court after the voter has had their signature submitted and validated. My understanding is that local election officials did not want to have the responsibility of witnessing every voter's signature when they came to sign a petition. So, they lobbied to have the word "assisted" left in place. When the concerns over lack of definition were raised previously, unfortunately, the word was left but never defined. The sad reality is when requirements on unpaid volunteers get too difficult, like finding and paying a notary, (this has been the responsibility of coordinators until the Great Falls district court changed the historic manner under which signatures were gathered) then only paid signature gatherers will be willing to endure the additional regulations.

In the district court decision, of the 44 individuals that were accused of using a false address, not one single attempt was made to mail anything to that address, with the exception of two individuals, Robert Colby who had only 7 signatures counted by the Secretary of State, and a lady in Missoula that misunderstood the affidavit to mean the address she gathered the signatures at, so she used the address for the shopping mall that she was at while collecting signatures. The total number of signatures she submitted were only a handful. The other 42 individuals, who were responsible for the majority of the 140,000 plus signatures, could have been contacted at the address posted on their affidavits. Yet, the signatures they gathered were called fraudulent because the address they used on their affidavit did not appear in a Google search.

Attached to my testimony are additional responses we received from those who had been accused of fraud because of the lack of definition to the word "address". It should have been the responsibility of those claiming it does not exist, to at least send a certified letter to determine the deliverability of that address.

Summary

1) I would like to encourage this committee to define the word "**address**" for the purpose of signature gatherers as:

A valid address for a signature gatherer must be capable of receiving certified mail delivered by the US Postal Service.

2) Please clearly define, or strike the word assisted.

Thank you Mr. Chair and Committee for your consideration

Respectfully submitted:

Trevis M Butcher